

SENATE BILL 638

C7, P3

1lr1926

By: **Senators Benson, Currie, Jones–Rodwell, Kelley, McFadden, Pugh, and Rosapepe**

Introduced and read first time: February 4, 2011

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Video Lottery Terminal Applicants and Licensees – Minority Business**
3 **Participation – Modifications and Sunset Extension**

4 FOR the purpose of adding maintenance and ongoing service delivery to the
5 requirements that certain applicants or licensees for video lottery operations
6 must meet regarding minority business participation under certain
7 circumstances; extending a certain termination date for certain provisions of
8 law relating to minority participation in video lottery facility operations;
9 providing a termination date for certain monitoring, reporting, and other duties
10 of the State Lottery Commission and the Governor’s Office of Minority Affairs;
11 and generally relating to minority business participation requirements and
12 video lottery operation licenses.

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 9–1A–10
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – State Government**

21 9–1A–10.

22 (a) (1) For the construction [and], procurement, **MAINTENANCE, AND**
23 **ONGOING SERVICE DELIVERY** related to the operation of video lottery terminals, the
24 applicant or licensee shall at a minimum meet the same requirements of a designated

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 unit for minority business participation as described under Title 14, Subtitle 3 of the
2 State Finance and Procurement Article.

3 (2) If the county in which a video lottery facility will be located has
4 higher minority business participation requirements than the State as described in
5 paragraph (1) of this subsection, the applicant shall meet the county's minority
6 business participation requirements [to the extent possible].

7 (3) Any collective bargaining agreement or agreements, including a
8 project labor agreement or a neutrality agreement, entered into by an applicant or
9 licensee may not negate the requirements of this subsection.

10 (4) If an applicant for employment at a video lottery facility believes
11 that the applicant has been discriminated against in the employment process, the
12 applicant may appeal the employment decision to the local human relations board in
13 the county where the facility is located.

14 (5) Notwithstanding any collective bargaining agreement or
15 agreements, a licensee shall:

16 (i) provide health insurance coverage for its employees; and

17 (ii) give a preference to hiring qualified employees from the
18 communities within 10 miles of the video lottery facility.

19 (6) A licensee shall:

20 (i) provide retirement benefits for its employees; and

21 (ii) if the licensee is a racetrack licensee, provide retirement
22 benefits to its video lottery operation employees that are equivalent to the level of
23 benefits provided to the racetrack employees who are eligible under the Maryland
24 Racetrack Employees Pension Fund.

25 (7) Notwithstanding any collective bargaining agreement or
26 agreements, if the licensee is a racetrack location, the licensee shall provide health
27 insurance coverage to all employees of the racetrack, including the employees of the
28 racetrack on the backstretch of the racetrack.

29 (b) (1) The Commission shall ensure that a video lottery operation
30 licensee complies with the requirements of subsection (a)(1) and (2) of this section as a
31 condition of holding the video lottery operation license.

32 (2) The Governor's Office of Minority Affairs shall monitor a licensee's
33 compliance with subsection (a)(1) and (2) of this section.

1 (3) The Governor's Office of Minority Affairs shall report to the
2 Commission at least every 6 months on the compliance of licensees with subsection
3 (a)(1) and (2) of this section.

4 (4) If the Governor's Office of Minority Affairs reports that a licensee
5 is not in compliance with subsection (a)(1) and (2) of this section, the Commission may
6 take immediate action to ensure the compliance of the licensee.

7 (c) On or after July 1, **[2011] 2018**, the provisions of **[subsection]**
8 **SUBSECTIONS (a)(1) and (2) and (B)** of this section and any regulations adopted
9 under **[subsection] SUBSECTIONS (a)(1) and (2) (B)** of this section shall be of no effect
10 and may not be enforced.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 June 1, 2011.